IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Contempt petition No. 37 of 2007
in
Writ Petition (PIL) No. 1410 of 2005

1. Vasant Waman Pradhan
and others ..Petitioners

vs.

1. The State of Maharashtra
and others ..Respondents

Mr.Mannadiar i/b Mr.R.R.Salvi for petitioners
Mr.B.G.Sawant,A.G.P. for respondent nos.1,2 and 4
Mr.Ajitkumar C.Shah for respondent no.5

CORAM: S.C.DHARMADHIKARI J.
31st July, 2007

P.C.

1. Contempt Petition prays that Respondent No.5 be proceeded for deliberately and intentionally violating the orders dated 19th July, 2006 and 28th September, 2006 passed in Writ Petition (PIL) No.1410 of 2005.

2. My attention is invited by Mr.Mannadiar, learned Counsel appearing for the petitioners, to the order passed by this Court and the statements recorded therein which are in the following terms:-

> "4. We record and accept the statement of Mr.R.A.Dada, learned Senior Counsel appearing for

> Western India Football Association, that for a period until 31st October, 2006, the Western Indian Football Association shall not permit user of the Cooperage Maidan for functions other than sports functions."

He submits that events other than sports events were clearly prohibited. The period was extended by subsequent order till 31st December, 2006. Thereafter, this Court directed that until further orders no marriage functions would be held in the area in question.

3. The petitioners state that contrary to the statement recorded and order of this Court, a marriage function was held at the Cooperage Maidan on 13th December, 2006. In this behalf reliance is placed upon ceremonies which were to be performed at Cooperage Maidan on 13th December, 2006. Mr.Mannadiar states that the Maidan was booked from 12th December, 2006 to 16th December, 2006 for marriage functions. Petitioner no.1 had witnessed lavish marriage baraat which entered the Cooperage ground from its southern gate, opposite to the Tennis Courts of Maharashtra State Lawns Tennis Association and he has noted the Registration number of the vehicle which carried the bridegroom. In such circumstances, Mr.Mannadiar states that the Western India Football Association through its Secretary should be proceeded with for flouting the

directions issued by this Court.

4. Mr.Shah, learned counsel appearing for respondent no.5, has invited my attention to the affidavit in reply which has been filed on behalf of the contemnor. It states that the contemnor has utmost regard and respect for this Court and its order. The contemnor would not do anything by which this Court's prestige and reputation is lowered nor its orders/directions are flouted.

5. In the affidavit in reply, this is what is stated:-

> "With reference to para 9(ii) of the petition, so far as conducting the marriages on 12th, 13th,14, 15th and 16th December, 2006 are concerned they were never held. Please note that we did not book any marriages for 12th and 15th December, 2006. In preparation to solemnizing the marriages for 13th, 14th and 16th December, 2006 shaminas were erected on 12th December, 2006 which could have been used for all marriages if and when bar on order dated 19th July, 2006 would have been removed by the Hon'ble High Court. However, the Notice of Motion was taken out by WIFA before the Hon'ble Court of Chief Justice on 14.12.2006 for removing the said bar of orders of Hon'ble High Court dated 19.7.2007 which came to be rejected, therefore, no marriages

were held at Cooperage at all, after Hon'ble Chief Justice refused to allow the marriages because of bar.

9. As the bar of the order dated 19.7.2006 could not be removed by Hon'ble Chief Justice on 14.12.2006 on our Notice of Motion on an emergency basis these marriages were shifted to G.D.Somani Memorial High School grounds located at Cuffe Parade. Since the marriage cards were printed including venue as Cooperage Ground, the marriage parties might have been registered, these marriages with the Registrar of Marriages by presenting the marriage cards printed for the occasion but the same cannot be taken as having been held at the Cooperage premises. In fact a specific banner was placed stating therein that the Hon'ble Bombay High Court has passed an injunction on holding marriage functions. Hence, I deny that any marriage was held at the Cooperage premises as alleged or at all. I say that as marriage functions were scheduled to be held at the Cooperage ground but could not be held in view of the High Court's order. The Barats were directed to proceed towards G.D.Somani School (approximately a kilometer away) where the marriages were held. No Barat was allowed to enter the Cooperage ground because of

the Court’s order."

6. Mr.Mannadiar states that in the rejoinder the petitioners have controverted these statements by pointing out that G.D.Somani Memorial Highschool ground was not booked by the person in whose family the marriage took place. In fact, ground was booked by somebody else and not by the concerned person and in this behalf my attention is invited to a certificate issued by the Principal of G.D.Somani Memorial Highschool on 10th July, 2007.

7. From perusal of these affidavits and annexures thereto, I am of the opinion that it cannot be said that respondent no.5 has violated the orders passed by this Court. It is indeed true, according to him, that the maidan was booked for marriage ceremony. The invitation cards were printed indicating the venue as Cooperage ground.In preparation to the marriage ceremony shamiayana was erected. However, respondent no.5 specifically invited the attention of the parties, who had booked the maidan, to the orders passed by this Court and in such circumstances, no ceremonies or marriages were held. The explanation given is that certificates issued by the Registrar of Marriages would not prove that the marriages were solemnised at the Maidan because the certificates had been issued on the basis of the invitation cards. Thus,

it is not proved that the orders passed by this Court were flouted because preparatory steps were taken but actual ceremonies were not held at the site. This is version of respondent no.5 and it is denied by the petitioners. Such issues cannot be a subject matter of the contempt petition. This is not a forum to go into rival contentions between the petitioners and contemnor on merits or any disputed questions of facts. Once I am satisfied with the explanation of respondent no.5 on affidavit, I see no reason for taking any action under the Contempt of Courts Act, 1971. The contempt petition is dismissed.

(S.C.DHARMADHIKARI J.)